



Summary of the Latta Amendment to H.R. 2401

TRANSPARENCY IN REGULATORY ANALYSIS OF IMPACTS ON THE NATION (TRAIN) ACT Committee on Energy and Commerce, Democratic Staff

Rep. Robert Latta has filed an amendment to H.R. 2401, the TRAIN Act, that would undermine a cornerstone of the Clean Air Act by requiring the Environmental Protection Agency to take industry costs into account in setting the health-based standards that are the heart of the law. Under the rule for H.R. 2401, this far-reaching change to the Clean Air Act, which has never been considered in Committee, will be debated for only ten minutes on the floor.

Health-Based Standards and Considerations of Costs under the Clean Air Act. Since 1970, the core of the Clean Air Act has been a set of standards called the national ambient air quality standards (NAAQS). The NAAQS are “health-based” standards because they are set by EPA at a level adequate to protect public health, including the health of sensitive groups such as children and the elderly. Essentially, the NAAQS determine what level of air pollution is “safe.”

Economic costs come into play when EPA and the states develop deadlines and plans for achieving the health-based standards. EPA sets deadlines for compliance, which take into account costs and can vary according to difficulty of achieving the standards. The states take costs into account when they develop their plans to control air pollution and attain compliance with the standards. EPA takes costs into account when reviewing these state plans.

The Success of the Clean Air Act. This structure has been extraordinarily effective in cleaning the air and has made the Clean Air Act the nation’s most successful environmental law. EPA has set NAAQS for six air pollutants: ozone, nitrogen dioxide (NO₂), sulfur dioxide (SO₂), carbon monoxide (CO), lead, and particulate matter (PM). Between 1980 and 2009, emissions of these six air pollutants dropped by 57%. During the same time period, the nation’s gross domestic product increased 122%, vehicle miles traveled increased 95%, energy consumption increased 22%, and U.S. population grew by 35%.

These emissions reductions have generated dramatic public health benefits. A recent peer-reviewed study found that the annual monetized value of the Clean Air Act was \$1.3 trillion last year. Last year, the Clean Air Act saved over 160,000 lives and prevented millions of cases of respiratory problems. It also enhanced our national productivity by preventing 13 million lost work days.

The Latta Amendment. The Latta amendment would take 40 years of clean air policy and turn it on its head by requiring EPA to consider industry costs when determining what level of air pollution is “safe.” This will allow polluters to override scientists, leading to air quality standards based on profits rather than health. This amendment, if it became law, would reverse decades of progress in cleaning our air.

The process for consideration of the Latta amendment is as objectionable as its substance. The rule provides that there will be only ten minutes to debate this fundamental change to the Clean Air Act. This proposal has never been considered in hearings or debated in Committee. No legislative record exists to evaluate the amendment.